

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MARS ELECTRONICS  
INTERNATIONAL, INC.,  
a Delaware corporation, and  
MARS, INCORPORATED,  
a Delaware corporation,

Plaintiffs,

v.

C.A. No. 05-239-SLR

INTERNATIONAL CURRENCY  
TECHNOLOGIES CORP.,  
a Taiwanese corporation, and  
INTERNATIONAL CURRENCY  
TECHNOLOGIES INC.,  
a California corporation,

Defendants.

**REPLY TO COUNTERCLAIMS OF  
DEFENDANT INTERNATIONAL CURRENCY TECHNOLOGIES INC.**

Plaintiffs Mars Electronics International, Inc. (“MEI”) and Mars, Incorporated (“Mars, Inc.”) (collectively “Mars”) hereby reply to the Counterclaims of defendant International Currency Technologies Inc. (“ICT-USA”) as follows:

1. Upon information and belief, Mars admits the allegations of Paragraph 1 of the Counterclaims.
2. Mars admits the allegations of Paragraph 2 of the Counterclaims.
3. Mars admits the allegations of Paragraph 3 of the Counterclaims.
4. Mars admits that the Court has subject matter jurisdiction over the Counterclaims. Mars neither admits nor denies the remaining allegations of Paragraph 4 of the Counterclaims because they require no response.

5. Mars admits that venue is proper in this district. Mars neither admits nor denies the remaining allegations of Paragraph 5 of the Counterclaims because they require no response.

#### FIRST COUNTERCLAIM

6. Upon information and belief, Mars admits the allegations of Paragraph 6 of the Counterclaims.

7. Mars admits the allegations of Paragraph 7 of the Counterclaims.

8. Mars admits the allegations of Paragraph 8 of the Counterclaims.

9. Mars denies the allegations of Paragraph 9 of the Counterclaims.

10. Mars admits that by alleging non-infringement of the '367 patent, an actual controversy between ICT-USA and Mars does exist. Except as so admitted, Mars denies that the First Counterclaim of ICT-USA has merit.

11. Mars admits that ICT-USA seeks a declaration of rights but denies that the First Counterclaim has merit and further requests that the Court enter judgment that ICT-USA has infringed and is infringing one or more claims of the '367 patent.

#### SECOND COUNTERCLAIM

12. Mars incorporates by reference the allegations of Paragraphs 1 through 11 of this Reply as if fully set forth herein.

13. Mars denies the allegations of Paragraph 13 of the Counterclaims.

14. Mars admits that by alleging invalidity of the '367 patent, an actual controversy between ICT-USA and Mars does exist. Except as so admitted, Mars denies that the Second Counterclaim of ICT-USA has merit.

15. Mars admits that ICT-USA seeks a declaration of rights but denies that the Second Counterclaim has merit and requests that the Court enter judgment that ICT-USA has not carried its burden of proof by clear and convincing evidence that the '367 patent is invalid and, further, that the '367 patent is not invalid and is infringed by ICT-USA.

**AFFIRMATIVE DEFENSES**

16. The First and Second Counterclaims of ICT-USA fail to state a claim upon which relief can be granted.

WHEREFORE, Mars prays for judgment as follows:

- A. That the First and Second Counterclaims of defendant ICT-USA be dismissed with prejudice and that defendant ICT-USA take nothing thereunder;
- B. That judgment be entered in favor of Mars upon the Complaint granting Mars all the relief against ICT-USA prayed for in the Complaint;
- C. That, pursuant to 35 U.S.C. § 285, Mars be awarded its reasonable attorneys' fees and costs incurred in defending against ICT-USA's Counterclaims; and
- D. That the Court grant Mars such other and further relief as it may deem just and proper.

Dated: July 7, 2005

FISH & RICHARDSON P.C.

By: /s/ William J. Marsden, Jr.

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Mars Electronics International, Inc.  
and Mars, Incorporated

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of July, 2005, I electronically filed with the Clerk of Court the foregoing document entitled "REPLY TO COUNTERCLAIMS OF DEFENDANT INTERNATIONAL CURRENCY TECHNOLOGIES INC." using CM/ECF which will send notification of such filing(s) to the following:

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I also certify that on July 7, 2005, I have mailed the foregoing document by overnight mail to the following non-registered participants:

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/s/ William J. Marsden, Jr.  
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